

REMARKS

Reconsideration of the present application, as amended, is respectfully requested. Claims 1, 8, 33, 38, 44 and 51 have been amended. No claims have been canceled or added.

Claims 1-8, 10-15, 18-23, 25, 27-29, 33-40, 42-46, and 48-50 were rejected under 35 U.S.C §103(a) as being unpatentable over U.S. Patent No. 6,182,127 of Cronin, et al. ("Cronin") in view of Microsoft PowerPoint 97 ("PowerPoint"). Claims 9, 16, 24, 26 and 30-32 were rejected under 35 U.S.C §103(a) as being unpatentable over U.S. Patent No. 6,182,127 of Cronin, et al. ("Cronin") in view of Microsoft Power Point 97 and further in view of U.S. Patent No. 5,973,692 of Knowlton et al ("Knowlton"). Applicant respectfully traverses the rejection.

The Office Action states that claim 1 is obvious in view of Cronin, further in view of PowerPoint (Office Action, p. 2). In support of the rejection, the Office Action further describes PowerPoint as "similar art" (Office Action, p. 2). The Applicant respectfully disagrees with the Office Action, and contends that PowerPoint is non-analogous art relative to the subject matter of claim 1. The MPEP states:

"In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either *be in the field of applicant's endeavor or*, if not, then be *reasonably pertinent to the particular problem with which the inventor was concerned.*" In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

(MPEP § 2141.01(a) Analogous and Nonanalogous Art; emphasis added)

The MPEP further states:

“The determination of what arts are analogous to a particular claimed invention is at times difficult. It depends upon the *necessary essential function or utility of the subject matter covered by the claims.*”

(MPEP 904.01(c); emphasis added)

With regard to the above sections of the MPEP, Applicant contends that the scope of analogous arts can be determined from the claimed subject matter. The necessary essential function or utility of claim 1 and the corresponding scope of analogous arts can thus be determined from the language in claim 1.

The present invention, as currently claimed, relates to a tool that enables a user to display and manipulate images received over a network, such as may be implemented in, or in conjunction with, a web browser or other similar software.

Claim 1 as amended recites:

1. (Currently Amended) An apparatus, comprising:

a multiple-image viewer to display a window and *to simultaneously display a plurality of images* within said window *after receiving the plurality of images from one or more remote sources over a network*, wherein said window does not contain any other window;

the multiple-image viewer further to enable manipulation by a user of each of the images independently of each other, wherein each of the displayed images is represented by a separate data file, and at least one of the displayed images is represented by a raster graphics file.

(Claim 1 as amended; emphasis added)

Claim 1 as amended thus recites an objective to “display a plurality of images... after receiving the plurality of images from one or more remote sources over a network.” Therefore, arts analogous to the subject matter of claim 1 as amended are related to displaying and manipulating a plurality of images, received from a remote source over a network, such as may be done by a web browser, for example.

In contrast, PowerPoint is non-analogous art relative to the subject matter of claim 1 because PowerPoint’s field of endeavor is *enabling the authorship of slideshow presentations*. PowerPoint is not directed to *displaying and manipulating images received from a remote source over a network*. Since PowerPoint is non-analogous art, the combination of Cronin and PowerPoint cannot render claim 1 obvious under 35 U.S.C. §103(a).

In addition, the Office Action suggests that the motivation for combining Cronin with the capabilities of PowerPoint is to add the ability to emphasize one image over the others (Office Action, p. 3). Applicant respectfully disagrees with the Office Action. Cronin states that among its objectives is to provide a method for obtaining images from a network server while making efficient use of the network, achieving a faster response time to a single client, and minimizing resources required by the client workstation, among others (Cronin, col. 1, ln. 30-52). However, Cronin does not, in the cited section or elsewhere, disclose or suggest a need or desire for emphasizing one

image over others. PowerPoint also does not, in the cited reference or elsewhere, disclose or suggest a need or desire for emphasizing one image over others, nor does the Office Action cite any prior art reference disclosing or suggesting such a need or desire. Thus, the combination of the image manipulation features of PowerPoint, which relates to slideshows, with the methods for obtaining images from a network server of Cronin to address a motivation to emphasize one image over others would not have been obvious to a person of ordinary skill in the art, because no such motivation is expressed in the prior art.

Claim 1 is not rendered obvious by Cronin, in view of PowerPoint, because PowerPoint is non-analogous art relative to the subject matter of claim 1. Furthermore, no motivation or suggestion to combine Cronin and PowerPoint is presented by the cited references. Claim 1 is thus patentable over Cronin in view of PowerPoint for at least these reasons. Applicant respectfully requests withdrawal of the rejection.

Independent claims 33, 38 and 44 were rejected under 35 U.S.C §103(a) as being unpatentable over U.S. Patent No. 6,182,127 of Cronin, et al. ("Cronin") in view of Microsoft PowerPoint 97 ("PowerPoint"). Independent claims 33, 38 and 44 as amended each include similar limitations to those in claim 1 as amended and are therefore patentable along with their dependent claims for reasons similar to those discussed above with respect to claim 1 as amended.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

Conclusion

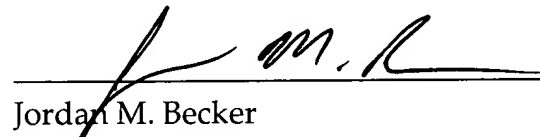
For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Jordan M. Becker
Reg. No. 39,602

Customer No. 08791
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025
(408) 720-8300